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HOUSE BILL 1167

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIGUEL P. GARCIA

AN ACT

RELATING TO REGULATION AND LICENSING; PROVIDING AUTHORITY TO
ISSUE CEASE AND DESIST ORDERS UNDER THE LIQUOR CONTROL ACT;
AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6C-1 NMSA 1978 (being Laws 1981,
Chapter 39, Section 97, as amended) is amended to read:

"60-6C-1. GROUNDS FOR SUSPENSION, REVOCATION, CEASE AND
DESIST ORDER OR ADMINISTRATIVE FINE--REPORTING REQUIREMENT. --

A. The director may suspend or revoke the license or
permit or fine the licensee in an amount not more than ten
thousand dollars (\$10,000), or both, when he finds that any
licensee has:

(1) violated any provision of the Liquor
Control Act or any regulation or order promulgated pursuant to

1 that act;

2 (2) been convicted of a felony pursuant to the
3 provisions of the Criminal Code, the Liquor Control Act or
4 federal law; or

5 (3) permitted his licensed premises to remain a
6 public nuisance in the neighborhood where it is located after
7 written notice from the director that investigation by the
8 department has revealed that the establishment is a public
9 nuisance in the neighborhood.

10 B. The director shall suspend or revoke the license
11 or permit and may fine the licensee in an amount not to exceed
12 ten thousand dollars (\$10,000), or both, when he finds that any
13 licensee or:

14 (1) his employee or agent knowingly has sold,
15 served or given any alcoholic beverage to a minor in violation
16 of Section 60-7B-1 NMSA 1978 or to an intoxicated person in
17 violation of Section 60-7A-16 NMSA 1978, on two separate
18 occasions within any twelve-month period; or

19 (2) his agent has made any material false
20 statement or concealed any material facts in his application for
21 the license or permit granted him pursuant to the provisions of
22 the Liquor Control Act.

23 C. In addition to other penalties provided in this
24 section, any retailer or dispenser who violates the provisions
25 of Section 60-7A-16 or 60-7B-1 NMSA 1978 by selling, serving or

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1 delivering alcoholic beverages to an intoxicated person or a
2 minor through a drive-up window at a minimum shall have:

3 (1) upon a first violation of this subsection,
4 the privilege to sell alcoholic beverages or any other goods
5 from his drive-up window suspended by the director for a period
6 of two weeks;

7 (2) upon a second violation of this subsection,
8 the privilege to sell alcoholic beverages or any other goods
9 from his drive-up window suspended by the director for a period
10 of thirty days;

11 (3) upon a third violation of this subsection,
12 the privilege to sell alcoholic beverages or any other goods
13 from his drive-up window suspended by the director for a period
14 of sixty days; and

15 (4) upon a fourth violation of this subsection
16 within two years of any other violations of Section 60-7A-16 or
17 60-7B-1 NMSA 1978, the privilege to sell alcoholic beverages or
18 any other goods from his drive-up window revoked by the director
19 and the drive-up window permanently closed.

20 D. In addition to other penalties provided in this
21 section, the director may issue an order requiring any person
22 subject to the jurisdiction of the Liquor Control Act to cease
23 and desist from engaging in any act or practice found to be in
24 violation of that act or any rule, regulation or order issued
25 pursuant to that act.

. 115395.2

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[D-] E. Any licensee aggrieved by a revocation, suspension or fine proposed to be imposed by the director pursuant to this section shall be entitled to the hearing procedures set forth in Article 6C of Chapter 60 NMSA 1978 before the revocation, suspension or fine shall be effective.

[E-] E. Any charge filed against a licensee by the department and the resulting disposition of the charge shall be reported to the department of public safety and local law enforcement agencies whose jurisdictions include the licensed establishment. "

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 7, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1167

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Mallory, Vaughn

Excused: Alwin, King, Larranaga, Rios, Sanchez, Foy

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

Page 7

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 18, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 1167

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 1 Against
Yes: 5
No: Robinson
Excused: Adair, Boitano, Vernon
Absent: None

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